HON'BLE SRI JUSTSICE C.V.NAGARJUNA REDDY

WRIT PETITION No.18492 of 1997

15.03.2007

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Between:

The Superintending Engineer,
T.G.P. Circle, Kadapa District

… Petitioner

AND

The Vice President,
A.P. Project Construction Employees & Mazdoor Union, B. Mattam, Kadapa District & another

… Respondents

O R D E R:

Questioning the award dated 11.09.1996 passed by Industrial Tribunal-cum-Labour Court, Anantapur (for short 'the Tribunal') in I.D.No.106 of 1992, the petitioner has filed this writ petition.

The A.P. Project Construction Employees and Mazdoor Union, B.Mattam, Kadapa District represents 12 workmen who are working under the control of the Superintending Engineer, T.G.P. Circle, B.Mattam, Kadapa District and who put in substantial service. The grievance of the union sought to be ventilated before the Tribunal was that the Superintending Engineer under whom the said 12 workmen were working has not been following G.O.Ms.No.107 dated 07.02.1974 issued by the Public Works (LLI) Department of Government of Andhra Pradesh. The said G.O. was issued in order to rationalise various categories and grades among the workcharged establishment and requisite qualifications and standard scales of pay were prescribed. The said G.O. also provided for appointment to various categories of posts and prescribed appointing authorities for

different categories. In respect of the skilled category employees up to class IV, Executive Engineer was made the appointing authority. Superintending Engineer is made the appointing authority in respect of the workmen up to highly skilled class I. In the former case, division was made the unit and in the latter case, circle was made the unit. As regards the supervisory categories, Chief Engineer concerned is made the appointing authority. Though workmen examined themselves as W.W.1 to W.W.9 and put forth their claim that in view of their longstanding as workcharged employees, they are entitled to be appointed in the appropriate category of posts in terms of G.O.Ms.No.107 dated 07.02.1974, the Tribunal has not given any specific directions in this regard. It is necessary to extract the operative part of the award which reads as under:

> " Hence, I am of the opinion that the workmen are entitled for promotions as per G.O.Ms.No.107 and the respondent is liable to implement the said G.O. strictly and to give promotions to the petitioners as per their due promotion dates, as per their service registers. The interest of the implementation of the G.O., it shall be open for the respondent to prepare the seniority list of all the workcharged employees working under him and to give the due promotions to the workmen as per the seniority list, especially because no minimum qualifications are prescribed for the workcharged employees as per G.O.Ms.No.107, accordingly the reference is answered."

Learned Assistant Government Pleader appearing for the petitioner submitted that the workmen on whose behalf the Industrial Dispute was raised were not entitled to be considered for appointments under G.O.Ms.No.107 dated 07.02.1974; that they have not put in continuous service as they have claimed in the workcharge establishment and that, therefore, their claims ought not to have been entertained by the Tribunal.

Having considered the submission of the learned Assistant Government Pleader, I am of the view that this writ petition is wholly

misconceived. As already noted above, though specific claims were put forth by the workmen before the Tribunal, while giving a finding that the workmen are entitled for promotions as per G.O.Ms.No.107 and that the petitioner is liable to implement the said G.O. strictly, it has observed that it shall be open for the respondent to prepare the seniority list of all the workcharged employees working under him and to give due promotions to the workmen as per the seniority list.

It is not comprehensible as to how the petitioner is aggrieved by this award. If any of the workmen was not entitled to be appointed/promoted in terms of G.O.Ms.No.107, the petitioner has every liberty to consider his case and reject the same. Under the impugned award, there was no compulsion for the petitioner to necessarily give appointments to any of the 12 workmen.

Viewed from any angle, there is no cause or reason for the petitioner to feel aggrieved by the award passed by the Tribunal.

For the reasons aforementioned, the writ petition is dismissed with costs.

C.V.NAGARJUNA REDDY, J

15.03.2007
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